

Judge Pauley

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

NADEEM AMIN

SUMMONS IN A CIVIL ACTION

ANDREA GUARANTILLO, New York District
Director of U.S. Citizenship and Immigration Svce

V.

CASE NUMBER: 07 CIV 2980

TO: (Name and address of Defendant)

ANDREA GUARANTILLO,
New York District Director of U.S. Citizenship and Immigration Services
26 Federal Plaza
New York, NY 10278

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)
PLUNKETT & DONNARD, 401 Broadway, #912, NY, NY 10013

an answer to the complaint which is served on you with this summons, within _____ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL MALAHON

CLERK

(By) *Michael Malahon*

DATE

SEP 11 2007

RETURN OF SERVICE	
Service of the Summons and complaint was made by me ⁽¹⁾	NAME OF SERVER (PRINT)
DATE	TITLE
Check one box below to indicate appropriate method of service	
<input type="checkbox"/> Served personally upon the defendant. Place where served:	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.	
Name of person with whom the summons and complaint were left:	
<input type="checkbox"/> Returned unexecuted:	
<input type="checkbox"/> Other (specify):	
STATEMENT OF SERVICE FEES	
TRAVEL	
SERVICES	
TOTAL \$0.00	
DECLARATION OF SERVER	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.	
Executed on _____	
Date	
Signature of Server	
Address of Server	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Judge Pauley

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

NADEEM AMIN

Plaintiff,

-against-

ANDREA QUARANTILLO,

New York District Director of
U.S. Citizenship and Immigration Services

Defendant.
-----X

**PETITION FOR HEARING
ON NATURALIZATION
APPLICATION**

USCIS No. A46 876 130

1. This is a petition for a hearing of Plaintiff's application for naturalization

on the ground that Defendant has failed to make a determination under 8 U.S.C. § 1446.

PARTIES

2. Plaintiff **Nadeem Amin** is a native and citizen of Pakistan. He has been a

lawful permanent resident of the United States since 15 April 1999. At all times

hereinafter-mentioned Plaintiff was and still is a resident of New York County. He

currently resides at 1978 Second Ave., #2-A, New York, NY 10029. His alien

registration number is A46 876 130.

3. Defendant **Andrea Quarantillo** is the New York District Director of the

United States Citizenship and Immigration Services ("USCIS") with the supervisory

authority over all operations of the USCIS within the New York district, including the

authority to grant or deny naturalization applications submitted to the USCIS within the

New York district pursuant to 8 U.S.C. § 1421 and 8 U.S.C. § 1427. Defendant is sued in

her official capacity.

07 CIV 7980



JURISDICTION

4. Jurisdiction in this case is proper under 8 U.S.C. § 1447(b), and 28 U.S.C. § 2201. Relief is requested pursuant to said statutes.

VENUE

5. Venue is proper in this court pursuant to 8 U.S.C. § 1447(b) in that this is an action against officers and agencies of the United States in their official capacities, brought in the District in which Plaintiff resides.

CAUSE OF ACTION

6. On or about 1 April 2004, Plaintiff filed an application for naturalization on Form N-400. On 24 May 2006 he was examined on that application.
7. At his examination, Plaintiff passed the English language and U.S. history and government tests. Plaintiff was advised in writing that he passed these tests. See Exhibit 1 (Copy of "Naturalization Interview Results" notice, issued by USCIS).

8. Over the past 15 months, Plaintiff has made repeated inquiries into the status of his case. On each occasion, Plaintiff has been told the case is pending the results of a mandated agency security check, the purpose of which is to confirm that Plaintiff has no criminal record and presents no security risk.
9. More than 120 days have passed since the initial examination and the Defendant has made no decision on Plaintiff's application.

10. The Defendant's failure to make a determination of Plaintiff's application within the 120 day statutory period allows Plaintiff to bring the matter to this Court for a hearing pursuant to 8 U.S.C. § 1447(b).

11. Plaintiff desires a judicial determination of his naturalization application

and a declaration that he is entitled to be naturalized as a citizen of the United States. A

period in excess of one year should be more than sufficient time to complete the security

check and adjudicate this application.

WHEREFORE, in view of the arguments and authority noted herein, Plaintiff

respectfully requests that, upon due consideration, the Court agree to hear Plaintiff's case

and render a declaratory judgment that he is entitled to be naturalized, and grant such

other relief as justice may require.

Respectfully submitted,

PLUNKETT & DONNARD

Dated: 22 August 2007

Brian Donnard - BD 7318

Counsel for Plaintiff

401 Broadway, Suite 912

New York, New York 10013

(212) 219-9866